

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 28th February, 2018

The House met at 2.30 p.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. I am happy that we do have quorum for this afternoon's sitting and I must commend you for being responsible. We will start our order of business. Mr. Clerk, please proceed.

STATEMENT

Hon. Speaker: Hon. Members, under this Order Paper, we have one business. Mr. Clerk makes mistakes and he wants me to shoulder them because he is not talking to you people, it is me who talks. He has put a tick on statements but he says it is a mistake. Sorry, about it Hon. Members. Mr. Clerk proceed.

MOTIONS

Hon. Speaker: Hon. Members under this order we have a motion by Hon. Josphat Kasyoki and Hon. Francis Ngunga. I call upon the Hon. Josphat Kasyoki.

CONTROL OF MIRAA BUSINESS

Hon. Kasyoki: Thank you, Madam Speaker.

Madam Speaker, that aware that miraa and khat consumption is on the rise in Kenya and more so in Machakos County where it is consumed by adults of both gender and even school going persons;

Recognizing that there are students who have dropped out of school to engage in the miraa business while others sneak miraa in to schools to prevent them from sleeping thus interfering with their memory and concentration;

Recognizing that the Ministry of Health has classified miraa as a dangerous drug to human health and that the United Nations classified khat on Schedule One indicating that miraa poses a great danger to human health, in protocol released last year International Day against Drug Abuse and illicit trafficking on June 26th, Kenya's Health Ministry confirmed that khat/miraa as a psycho-active drug in the

new national protocol for treatment of substance use disorders in Kenya 2017, the Ministry classified Miraa alongside cocaine;

Madam Speaker, recognizing that miraa/khat is known to cause long term effects such as increased severity of psychological problems including depression, paranoia, impotence oral cancer and more severe psychological problems;

Madam Speaker, I wish to move the motion that this Hon. House approves that miraa/khat business be controlled by ensuring that license fee be attached to the business and that the department of health and sanitation comes up with a policy that will foster cleanliness and hygiene in the miraa trading premises.

Thank you, Madam Speaker. I call upon Hon. Mwanthi to second the Motion.

Hon. Speaker: Hon. Stephen Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker. I support this motion that the County Government of Machakos comes with a policy that we license the miraa vendors because when you move to our markets you will find that many of our staff who are cleaning the market, they mostly work on those areas yet those selling the miraa don't give us any money and does not contribute anything, and to ensure that our markets and places of work are clean.

So, I think it will be good if they are licensed to pay something citing the fact that miraa is very expensive, the farmers and sellers get a lot of money. So, it is good we come up with such a policy that they be charged something to keep the County moving and also give that service of cleaning their places of work.

It is also good it be regulated possibly to be sold to people who are over 18 years old; sometimes you find young people chewing this miraa yet some of them are school going children. So, it will be good. So, Madam Speaker, I support and request this House approves the same motion.

Hon. Speaker: Thank you, Hon. Stephen Mwanthi.

(Question proposed)

Hon. Members, I invite you to debate the motion. Hon. Kalumu.

Hon. Kalumu: Thank you, Madam Speaker. I would like to start by congratulating my senior, Hon. Kasyoki for bringing this wonderful motion today.

Hon. Speaker: That is a new term you are introducing in the House.

(Laughter)

Hon. Kalumu: He is my senior in age.

Hon. Speaker: I think it is good to go ahead and add that you are senior in age.

Hon. Kalumu: Madam Speaker, I would like to say, when I was campaigning I tried to speak about miraa but I was cautioned. I was told 'ukiguza hio wire, umeenda; so I left it but I saw

it as something which was terrorizing the people of Kithimani ward and the entire county, when I come to this House, I will do something. But it has happened that my friend has bypassed me and that is good.

Apart from controlling the selling of miraa, I want to report to you, Madam Speaker and Hon. Members, that, in Kithimani ward it has turned to be a cash crop where it is grown. Many farmers have changed from horticultural farming; they are now planting miraa as a cash crop in Kithimani ward. The mess it has done to the people of Kithimani, you can look to a person like this and find that the indication to know the person uses miraa, you will find that one doesn't have the front teeth and that is one indication that that person uses miraa.

The behavioral change in some areas is because of the effect of using miraa. Madam Speaker, although it is a business which is supporting our people in Machakos County in terms of small businesses which are contributing to the income generation of the people of Machakos County, I want to say it should be regulated so that it doesn't bring a lot of mess and leave our people without help.

Apart from regulating the selling, I would also suggest to regulating the planting and growing because in my ward it is grown; I would wish if you are growing miraa, you are licensed because if it is in the same class with cocaine, I would like to ask, can I be allowed today to be growing cocaine or that plant which produced cocaine. Is it possible?

So, in that manner, if we control the planting we will control or regulate the selling because today we are leaders of this County and there will be a vacuum if we don't control this. The main question is; who will be the leaders of tomorrow if we leave this menace like that if miraa is not regulated. You find that even school going children are participating in selling of miraa, even secondary school students are eating that miraa. It is a big mess out there and I would like to say that we are creating a vacuum of leadership.

One time, Martin Luther King looked at his people in America and asked them; if you continue using these substances, you will be zombies and this world is full of competition, and if we compete today, I cannot compete with person who is taking substances. For example, in the Presidency of this country, may be some of our kids who could have become good competitors of tomorrow's leadership, they will not participate because they were allowed to eat miraa. I support this motion fully. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kalumu. Hon. Constance Nzioki.

Hon. (Ms.) C. Nzioki: Thank you, Madam Speaker. I first want to congratulate Hon. Kasyoki for the good motion he has brought. This small green plant called miraa has done a lot of damage to our children, our people, men have become impotent, and women have started giving birth abnormally because of this plant. If you go out, it starts as early as 8 a.m. where you find young men and women in the market places just sitting on stones chewing and the teeth have even turned to another color and I don't think that will be allowed to go on if we want to save our youth.

This miraa is a health hazard, it has destroyed our children. We are not saying it is destroying, we are saying it has destroyed, because you find they don't go to school, they don't even help their parents at home and Madam Speaker, I believe there is no substitute to knowledge and so this miraa should be done away with and we let our youth go to school.

There are those who plant and those who sell; to get to the bottom of it, both need to be taxed highly if not cancelled for good. So, Madam Speaker, I support the motion and I wish Members could support and pass it. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Constance Nzioki. Hon. Nicholas.

Hon. Muia: Thank you, Madam Speaker. I congratulate my friend Hon. Kasyoki and I fully support this motion. The way the motion has been tabled, there are ways we can deal with this menace; one is to make sure the licenses are high and we can get income as Machakos County because we can classify them like the way people take cigarettes, beer, of course you know it is harmful to health and people still take it; but there is what the government calls sin tax to make money from it.

Hon. Speaker: Hon. Mark Muendo you have a what?

Hon. Muendo: Point of order.

Hon. Speaker: Yes can we hear it. Resume your seat Hon. Nicholas.

Hon. Muendo: Thank you, Madam Speaker. I want to move an amendment to the motion.

Hon. Speaker: Is it an exceptional circumstance?

Hon. Muendo: Yes, under Standing Orders 52(2).

Hon. Speaker: I am asking the exceptional nature of the amendment?
What are you proposing?

Hon. Muendo: I want to propose Muguka to be included

Hon. Speaker: What is Muguka?

Hon. Muendo: That is the---

Hon. Speaker: It is not the same as miraa?

Hon. Muendo: No. It is different. That is the one which is killing our people.

(Applause)

Hon. Speaker: Hon. Mark Muendo, do you have somebody to second for the proposal to amend?

Hon. Muendo: Yes. Hon. Kieti.

Hon. Speaker: You are spoilt for choice; you have too many people wanting to second you. Hon. Kieti.

Hon. Kieti: Thank you, Madam Speaker. I wish to support the amendment that in that motion we include Muguka because it is the one that is even chewed more than the miraa itself. Thank you, Madam Speaker.

Hon. Speaker: What is the point of order?

Hon. Ndawa: Madam Speaker, I would also wish to make further amendment on the same--

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Hon. Speaker: I have not finished with the matter at hand.

Hon. Ndawa: I thought you would handle both together because---

Hon. Speaker: Just resume your seat please.

Hon. Ndawa: Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, I am just looking at the Order under which the request to amend has been brought and I notice that exceptional circumstance here will be the health of the people. I am also part of this society and I think I have seen that leaf; what is it called? Is it Mukuka, Muguka or what is the name? We call it Muguka.

Muguka that sounds like from... okay so we call it Mukuka, that is why it is called Muguka. I think it is the more common in this area. Okay, so in view of that fact which I also have experienced myself, I would allow the amendment in a circumstances of exceptional circumstances and Hon. Members perhaps you would let me have a few interjections on that amendment.

(Applause)

Why is it important that we need to include it? Can I have a few comments? Hon. Mwikali. Hon. Members, I just want to remind you, if an amendment is brought, I cannot rule that it has gone through unless I hear the members ventilate because there maybe those who will vote against it and so do not...it is a mini debate. A debate within a debate; so that is the procedure we are adopting. Hon. Mwikali, on the proposed amendment.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. Yes, I would really support the proposed amendment to insert the Muguka thing. In fact, our county does not receive miraa as such. This Muguka is the one that comes to our county and Muguka seems to be the bad generic to miraa itself.

Therefore, when they do not bring the miraa, they normally bring the muguka thing here and they take miraa to more posh areas. Therefore, these miraa because of its own repercussions and dangers that they bring, I think that is why it is normally the only thing that is brought in Machakos County. Therefore, that is why we are seconding it seriously being mothers and being a leader among the women in our county.

Women have really cried and they have really lost hope when it comes to their children. Young men and young girls cannot sire children because this money will never do anything. He has no teeth for even here and there.

(Laughter)

Therefore, Madam Speaker, in fact, Muguka is the thing we should ban for good not even attach any fees to it. It has nothing left for our children Thank you.

Hon. Speaker: Thank you, Hon. Mwikali, Hon. Dominic.

Hon. Ndambuki: Thank you, Madam Speaker. I am supporting the inclusion of muguka in addition to what we have as khat. Reason being, Madam Speaker, the use of muguka, among the young ones or rather youth between 15 and 35 years has been rampant and if not controlled, there is fear that we may not have future leaders. We may not have future fathers, we may not have future MCAs in Machakos County. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Dominic. Hon. Anastaciah.

Hon. (Ms.) Mutuku: Thank you, Madam Speaker. I do support the motion and for banning miraa and muguka, I really support. Especially when we come to our young people---

Hon. Speaker: Point of information. Hon. Anastaciah, just resume your seat briefly.

Hon. Measesi: Thank you, Madam Speaker. I just want to inform the Hon. Member that the motion is not about banning miraa but it is about licensing and more so the inclusion of the word Muguka.

Hon. Speaker: Hon. Members, remember we talked of a debate within a debate---

Hon. (Ms.) Anastaciah: Thank you, Madam Speaker---

Hon. Speaker: We are talking about. Hon. Anastaciah, it is good you are passionate about it so let us just pay attention. We are talking about amending the motion at hand so that we include mukuka. Okay. Just make your contribution on that portion of the proposal to amend. Is it okay or is it not okay, then we will go into the main debate.

Hon. (Ms.) Mutuku: Thank you, Madam Speaker, thank you, Hon. Member, for that point of correction. We are here to learn. Mine is to support that proposal about Mukuka to do some amendments; we have experienced so many families divorcing, breaking because of this issue. Our young married youth from our wards have so many issues concerning their families because of maybe if it is a youth who is married, he comes late and you know those are hot blood---

(Laughter)

They miss each other; so I really support that amendment. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, I now put the question that miraa/khat business, and mukuka business, be controlled by ensuring that license fee be attached to the business and that the department of health and sanitation comes up with a policy that will foster cleanliness and hygiene in the miraa trading premises, and mukuak included in the proposed amendment.

(Question put and agreed to)

(Question proposed)

Hon. Members, the debate is now open on this motion as amended. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I stand here to support the motion which has been brought by Hon. Kasyoki. In fact, this motion is timely. Madam Speaker, I do not want to talk much. I believe every member of this Assembly knows the harms or the damages that we have incurred because of these so called miraa and muguka.

Madam Speaker, apart from destroying the upper teeth, the so-called also destroys the lower teeth and if I talk the upper and the lower teeth, I believe we are all mature we understand what we mean by upper and lower teeth. Our newly married---

Hon. Speaker: Hon. Ndawa, please resume your seat briefly. Hon. Katumo you have a point of order?

Hon. Katumo: Yes, Madam Speaker, I fail to understand the analogy of lower teeth. I have to be told because I do not want to assume there are lower teeth and he says we are mature enough. What is the maturity with the lower teeth, Madam Speaker?

Hon. Speaker: Hon. Ndawa when I was---

Hon. Masesi: Point of order---

Hon. Speaker: You cannot do that Hon. Cosmos Masesi. Hon. Members, when I was doing biology in form four, I was made to understand there is the upper teeth and the lower teeth. I am not aware of any other teeth elsewhere. Hon. Ndawa, if you are going to discuss, you are going to debate there is nothing wrong with saying what exactly is in your mind. Proceed.

Hon. Ndawa: Thank you, Madam Speaker. In fact, what I just want to say, apart from the teeth in your mouth, it also interferes with your private parts; the reproductive system. You cannot be able to perform and I am very sure, Madam Speaker, most of marriages are broken because of people underscoring and underperforming and this is caused by the so called miraa and muguka, Madam Speaker. That is point number one.

Point number two, those who are selling the miraa, Madam Speaker, the law of Kenya is very clear, it says every Kenyan has a duty of care to his neighbor and Madam Speaker, the neighbor is not somebody who is just next to your door. A neighbor is somebody who is affected either directly or indirectly by your deeds. Whether he is next to you or he is abroad.

So, Madam Speaker, unless this thing is controlled, we are going to lose our families, we are going to lose our kids and our kids will not go to school. Madam Speaker, apart from this we

also suffer what we call *injuria et damnum*. It means we suffer injuries at the same time we suffer damages. That is what we call *injuria et damnum*.

(Applause)

So, Madam Speaker, this is the high time this Hon. House moves with speed to control this selling of miraa and apart from controlling and licensing, we also need to set time lines when this product should be killed.

Hon. Speaker: Point of order from Hon. Maitha. Hon. Ndawa, resume your seat briefly.

Hon. Maitha: Madam Speaker, in this House you either use English or Kiswahili. Is it in order for this Hon. Member to use a language and interpret it which we do not know? Might be the language he used was abusive to us; is it in order?

Hon. Speaker: Hon. Maitha, Hon. Ndawa appears to be lucky that I understand that word, it is a latin word.

(Applause)

It is a legal terminology but Hon. Ndawa this is not a law class nor is it a court of law. It is a House; it is an Assembly please use the proper language.

Hon. Ndawa: Thank you, Madam Speaker, for that guidance and protection. I do not want to talk much, Madam Speaker. We have farmers who have already planted this plant and I believe when we are doing farming we also term it as a business because we do something to earn from it. Madam Speaker, we cannot say we are going to ban the selling of miraa.

What we need to say is that we are going to set fees and I would propose as we come up with the Finance Bill, this issue of miraa should also be captured. So that we can set the amount which is supposed to be charged on that type of business.

Then the other thing that I would request, Madam Speaker; Mututho came up with the law which said bars should open as at from 5 p.m. to 11 p.m. I would also propose, Madam Speaker, if this house can use the same law to say miraa should not be chewed in the morning. Let people go to work then after work they can start miraa chewing. Thank you very much, Madam Speaker.

(Applause)

Hon. Speaker: Hon. Members, just a moment for a short consultation.

(The Speaker consulted with the Clerk at the Table)

Hon. Members, we proceed, I am still on my left side. Hon. Kisila.

Hon. Kisila: Madam Speaker, I promise not to use difficult words. I think this motion is timely by Mheshimiwa Kasyoki and it has just come at the right time. Let it be known that in

Mwala ward, I have put systems and procedure to ensure that trading of miraa and Mukuka is curtailed to the maximum. Hon. Members, we used to have shopping centers for miraa in my ward and together with wananchi we have actually closed them down.

The last one, I understand they are coming to Makutano market today and I have also mobilized members of public. We are going to chase them away and I understand Mheshimiwa... I want to bring to attention Mheshimiwa Ndeti that they are coming to Masii. She is not here and we want to chase them away. That is part of controlling but Mheshimiwa Kasyoki's motion is very timely.

This thing has caused serious damage to our youth making them very incompetent, impotent and not even functioning properly. Mheshimiwa said he promised not to touch it. During my campaign, I actually talked about miraa and mukuka and I said when you elect me, I will ensure this business is curtailed. Let me tell Hon. Members what Governor Ngilu is doing is within leadership traits. When leaders realize things are getting out of control, they have a right to take all the issues and curtail them.

What she is doing in Kitui on charcoal burning and sand harvesting is exactly what we should imitate and do the same on this miraa and mukaka. Let me tell you Hon. Members, do not wait for people to come and do things for you. Let us set systems to ensure that we make this business very difficult in Machakos County. I am a member of the finance committee and I support what Mheshimiwa Ndawa has said. In the Finance Bill, we should make this miraa and mukuka licensing very punitive and so punitive to the extent that it will make it very difficult for anyone to do business in our county because we cannot ban it.

Hon. Speaker: Hon. Musyimi.

Hon. Musyimi: Is the Hon. Member in order when saying we follow or he quoted the Governor Ngilu. Is he in order while telling us we should follow her ideas that may be meaning that we burn cars or the transporting vehicles.

Hon. Speaker: You have evidence that the Hon. Governor burnt cars?

Hon. Musyimi: But there is an issue people complaining of the---

Hon. Speaker: There is no pint of order there.

Hon. Ngunga: Point of correction.

Hon. Speaker: Correction or information.

Hon. Ngunga: Yes, correction, Madam Speaker.

Hon. Speaker: Hon. Francis Ngunga.

Hon. Ngunga: Thank you, Madam Speaker. I rise to correct the member and again maybe seek your guidance in this because I have realized over time we are mutilating the procedures of this House because members have a tendency of rising up and saying that they are standing on a point of order yet they do not quote that order that they are standing on.

It is procedural that every other time a member stand on a point of order, he or she has to highlight the Standing Order he says is disorderly. Thank you, Madam Speaker.

Hon. Speaker: Point of order. Standing Order is just one Standing Order. Hon. Musyimi you are out of order. Proceed, Hon. Kisila.

Hon. Kisila: Thank you, Madam Speaker, for alerting the member to be alert when people are talking.

(Laughter)

Now, Madam Speaker, I am talking about a very serious issue and I do not expect any member to take it lightly. We are losing a generation, we are losing a population and if you go to Meru where this thing is grown, they do not even take muguka.

(Applause)

How come we are allowing our people to be extinguished? Is there a plan to finish our people in the long term by making us impotent and making us less productive? There must be a plan somewhere and we must see that plan and work on it properly---

Hon. Speaker: Hon. Kisila, let me just caution you. There is a commission headed by the former Speaker, Hon. ole Kaparo, ensure that you are not summoned before that committee because when you say somebody is out to annihilate or finish a particular section of Kenya, which is a matter that is not right. Proceed but not in the line that I have cautioned you on.

Hon. Kisila: Madam Speaker, I would like to face him in that matter because---

Hon. Speaker: Hon. Kisila, you are not taking my directions?

Hon. Kisila: Okay, Madam Speaker. I withdraw.

(Laughter)

Now, my point is based on the fact that, Ministry of Health has classified this thing alongside cocaine. If I will stand here not to defend my people from being affected by this thing which has got the same effect as cocaine, it is also a dangerous drug, a great danger to human health.

This matter is very serious and I think this House, if we are going to pass one important Motion, it is this Motion and our people should be aware that we are very serious about their health and we will ensure that we protect them. So, Madam Speaker, my closing remark is, let us insert this licensing to be very punitive, just like cigarettes.

The last point I want to bring, Madam Speaker, is on enforcement. One of the biggest problems we are having as a County, is enforcing laws which are being passed in this House and also enforcing revenue laws which we are going to pass. I suggest alongside this one, we need to

enforce our enforcement team so that when we pass the law, we will ensure that there is a team which will ensure that trading on miraa is seriously controlled and curtailed.

Hon. Kasyoki, thank you, very much for bringing this Motion. I stand to support it fully and I want us to move with speed and ensure that we put a time line to it and implement it. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisila. Hon. Masesi.

Hon. Masesi: Thank you, Madam Speaker, I stand this afternoon to support the Motion by the Hon. Member, Kasyoki and the issue of miraa and the fresh leaves we prefer to as muguka. Madam Speaker, you will realize that this crop is widely grown and is developing to be one of the most important cash crops within the Country. Madam Speaker, although it is a source of revenue to so many residents or people of this Nation, the risks and the effects of the same outdo the income or the profits of the same.

Madam Speaker, on my research, I realized that on some developed countries like the USA, France, Switzerland and Sweden, they are prohibited in the using of such in their nations. Madam Speaker, I would suggest that this House goes onto records and comes up with a policy of prohibiting the same bearing in mind that it has health hazard effects, in terms of long term effects like psychological problems which might lead to depression and anxiety, impotence in men, inability to attain and sustain erection which may lead to human and men mostly firing blank bullets.

Madam Speaker, the risks of the same, the chewing of the fresh leaves, releases some juice containing **cathinone** that alters the mood of the abuser. Madam Speaker, I will wish that this Motion could have come with some other clauses of prohibiting the use of the same but from now I stand to support the Motion fully and maybe the license should come up with some requirements like the hours of operation for the business. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Masesi. Hon. Muendo.

Hon. Muendo: Thank you, Madam Speaker. I wish to support this Motion. I think we all belong to this County and we know the effects of muguka. This Motion is actually overdue and I think every Member where comes from, youth are not working nowadays, they do not even think of going to work---

Hon. Speaker: What about the she? There are lady Members here. You only said where he comes. You want to say he includes her?

(Laughter)

Hon. Muendo: Thank you, Madam Speaker, for that guidance. The Members of this House, this is not a debate which should go on and on. This is a debate which should be terminated immediately and then we pass this Motion. First, when you see the transportation of muguka, it is transported by washing basins, it is transported by Probox and when you look at

health, apart from the effects on muguka itself, the health on that muguka thing is pathetic. It has got a lot of germs collected when it is on transport.

We are losing our youth without knowing whether it is the muguka or the germs they get from the muguka itself because it is totally contaminated. When you go to Meru where it comes from or Mbeere, they do not consume the muguka. I concur with the Hon. Member for Mwala, they do not consume the muguka. So, it seems the muguka they are selling to our County must be poisonous and that is why our youth do not think, they do not work, they stay from morning to evening.

I would also like to put on this Motion maybe when we are considering the licensing, we also consider the people who will be licensed to sell the muguka to think of packaging it in a good way, like the way the unga is packed and also to have certificates from the Ministry of Health or the Department of Health.

Every pack should have that certificate of cleanliness. For that we are going to control this muguka business because not many people will afford that kind of packaging. When you come to licensing, the license of selling alcohol like the Majority Leader is a dealer in alcohol, the license is very high so the drug should attract such a high license to make this business difficult so that we can reduce the problem of our youth.

It is all over in this County, from Mwala to everywhere, to Mavoko, youth are now under a shades consuming muguka and Madam Speaker, as I said, the miraa is not consumed in this County, the miraa is a bit expensive and clean, the muguka thing is the one killing our youth and maybe Members of this House know the muguka, it comes like kunde, what we call these green things and that thing when you see it, where it is displayed has no shop, it is on the side of a road where they normally collect a lot of dust and actually that is what is killing our youth, the dust not even the muguka because I understand they are calling it spinach, nowadays.

So, Madam Speaker, I support this Motion and that we consider packaging issue on the muguka if they are going to license. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mark Muendo. Hon. Muthoka.

Hon. Muthoka: Thank you, Madam Speaker. I stand here to support this Motion of my friend Hon. Kasyoki. I think it is the right time we pass this Motion. One day, I will take you Members just here at an area called Grogan; when you see these Probox arriving, you will think it is a Safari Rally car arriving here in Grogan. Many of them and I understand one Probox is paid Ksh. 6,000 per day. So, if this trader can afford to hire a Probox for Ksh. 6,000 in a day, so he can give the County Ksh. 2,000 in a day and when we collect this money, we should not just use it in other areas, we use to cushion this problem.

I can imagine us having a Cancer Centre here in Level V hospital so that we cushion these things. A good psychiatrist, a dentist so we collect this money, we plough it back to the health systems to help these people when these side effects become a reality, they can be treated. So, I support. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Muthoka. Hon. Mitaa.

Hon. Mitaa: Thank you, Madam Speaker for granting me this opportunity to support the Motion by Hon. Kasyoki on miraa and khat and muguka issue. I think this product is categorized as a drug and a drug can be defined as a substance which interferes with the system of the body. Miraa contain cathinone and cathine; which are chemicals which interfere with the moods of the body and I think that is the reason, the hour of these vehicles which transport the products reach and that is why our youth are always moody.

Madam Speaker, I think prevention is better than cure and it is the highest time we took the measures and see how we can, at least, reduce the rate at which our youth consume these products because very soon we might have challenges on reversing the issue.

Also, I think this thing has also increases the rate of marital problems, theft, insecurity because the consumers do not have any good source of income and because of the urge, in the villages they try to source for ways on how they can raise funds to buy these products.

Additionally, it is no longer associated with men; even nowadays women consume this product and Madam Speaker, it has led to high rate deformed children because of these chemicals, they interferes with the production and growth of a child in the mother's womb. So, Madam Speaker, I support and I beg the House if there is any other way we can increase the punishment, we better do. Thank you, Madam Speaker.

Hon. Speaker: Hon. Dominic.

Hon. Ndambuki: Thank you, Madam Speaker for the opportunity to contribute to this Motion. I wish to support this Motion on two areas; one, on attracting license fees. Madam Speaker, looking at the way the business is carried out, the vendors sell muguka by roadsides and in other places where it might be hard for the revenue collectors to reach them and by the Machakos County Government coming up with ways of attracting fees to the vendors. This will ensure that we increase the revenue for this County, Madam Speaker. We could be missing our targets for revenue collection by not pegging fees on where we need to peg them on. So, by so doing Madam Speaker, we will be raising our revenues.

On the second issue Madam Speaker, I wish to contribute by saying that banning of muguka and miraa in this County will ensure that, as Hon. Kisila has said, that we ensure we have a new generation that we can live to lead after we are gone. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kisini.

Hon. Kisini: Thank you, Madam Speaker. I stand to support this Motion brought by Hon. Kasyoki. I want to say that, as the mover has said in this paper that anything going with depression, we all know what depression is, I am not very sure what is paranoia but not impotence; we all know the side effects and the causes. We also know how expensive it is to treat cancer and then finally as you are saying severe psychological problems.

I want to say at my Ward in Athi River and I think it might be the most affected than all others because at my Ward it is a 24 hour economy/business whereby it has along the roads, kiosks align the road and I think they also harbor criminals because it is done all the way until late hours and I think those people who go there go to hide pretending that they are taking it and maybe they are the ones who cause destruction to other Members.

So, it is somehow affecting our security. I also wonder because I have seen severally at my place, that the Administration Police vehicles still patrol there. You can see it parking and

you do not know what happens but you will see one by one moving. So, I can say silently it is somehow also promoting corruption because what are they going to do there?

So, any punitive measures as we are suggesting here should be put in place so that we can control it and then in terms of health, even if you look or you see this young men who take these drugs, they are not normal at all; their teeth are red, they smell bad, they do not wash, you will not always want to be near them. So, any measures which we can take to control it, I totally support it. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisini. Hon. Minority Leader.

Hon. Kamitu: Thank you, very much Madam Speaker. Madam Speaker, I want to be very brief because for one, Hon. Kasyoka has analyzed and in front of this House the report is very clear in regard to what the Ministry has recognized and the classification that miraa/khat/muguka, it has already been classified as a dangerous drug. In addition, to that Madam Speaker, you are also aware that, also in the report they are talking about the United Nations has also classified miraa/khat and now that the inclusion of the muguka has been included in this House, Madam Speaker, is a clear indication that this is not something that people of Machakos County should continue.

One, Madam Speaker, when we talk about the licensing, yes, this House should come out seriously so that, as a measure, the licensing should be so high that even if it is going to bring some revenue on a certain percentage it should also be as a preventive measure to prevent Machakos county personnel from consuming this dangerous drug.

Madam Speaker, I happen to be the chairman of Matungulu community policing and practically there is one time we took some measures we went around in Tala town and were those Miraa/Muguka were being sold inside those small areas and there were also hiding the bhang and the like it is also a known den for criminals; during the day they tend to be doing the business but during the night that is where they also sit down and also discuss where they are going to strike, that is maybe business premises burglary during the day or burglary during the night.

So it is on strength, Madam Speaker, I would also say that it is true members are aware marriage breakages because of this thing is happening in our families and I don't want to repeat again is either sad. If something has been identified, if something has been classified whether it is licensed or whether we are going to do what, sincerely Madam Speaker, we should be serious as a nation, as a county, as elected members of this Machakos County should stand up to prevent such a dangerous practice. Thank you, Madam Speaker.

Hon Speaker: Thank you, Hon. Alex Kamitu. Hon. Members, I call upon the mover of the motion to reply.

Hon. Kasyoka: Thank you, Madam Speaker. I wish to take this opportunity to thank Hon members for your contribution. Hon. Members, I would urge you to join hands and approve this motion so that we can safeguard our children and grandchildren from this dangerous habit of chewing Miraa and Muguka.

Madam Speaker, if you will allow me, I would like to give a short true story of a relative who chewed Miraa from 5 p.m. after office hours up to 3.30 a.m. in the morning on a Saturday

and the young man could not where he had parked his car. This shows Miraa is a drug because I can't see how a young man can forget where he has parked his car.

Madam Speaker, if we approve that Miraa business pays business fee, not everybody will sell Miraa or Muguka. In my area, that is Kyeleni, the boda boda people supply Miraa as early as 6.30 in the morning,. Madam Speaker, if the ministry of health and sanitation can also issue health permit, no Miraa will be sold under trees as it is now.

They are selling Miraa, Muguka everywhere even in dirty places they can also issue permits, and I think they will sell their products in a decent kiosk or houses. So, Madam Speaker, I would like to thank Hon. Members for supporting the motion and I hope they will approve it.

Hon. Speaker: Thank you, Hon Kasyoka.

(Question put and agreed to)

Hon members, this motion is now the property of this House it has been admitted and approved by the House and it is hereby referred to the committee on finance and revenue collection for the purpose of implementation and they will be working closely with the committee on health and emergency services for the reasons of hygiene and health that are referred to in the motion that you have just passed. Thank you, Hon Members.

COMMUNICATION FROM THE CHAIR RECEIPT OF ANNUAL DEVELOPMENT PLAN 2018/19

Hon. Speaker: Hon members allow me at this juncture, I know we have another motion by the Hon Majority Leader and that is going to be the last business of today, but I have just been given a communication that I want to make to this House, very briefly.

It was brought as we were seated here because of the nature that I must communicate that the Assembly, your House has received the Annual Development Plan ADP for 2018/2019 from the executive as we were just debating here and because of the urgency of the matter, the house needs to interrogate it on a serious note so the document is hereby committed to the committee on Trade Economic Planning and Industrialization and that committee to note that this House is expecting a report from that committee on or before the 21st day of March, 2018.

MOTION

PUBLIC PARTICIPATION FOR MACHAKOS COUNTY FINANCE BILL, 2017

Hon. Speaker: Hon members, we proceed with the business that was at hand before the communication was received and I call upon Hon. Francis Ngunga for the second motion.

Hon. Mulatya: Thank you Madam Speaker, Hon. Members, good afternoon, I am going to table the motion on behalf of the Leader of Majority.

Madam Speaker, that aware that the Machakos County Finance Bill, 2017 was read for the first time on 14th February, 2018;

Aware that a bill having been read a first time shall be committed to a committee pursuant to Standing Order 120(1);

Aware that the Committee to which a bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the committee makes its report to the House;

Noting that public participation for the bill is scheduled to take place from 6th to 9th March, 2018 in all the wards;

Aware that the House approved calendar of the Assembly on 20th February, 2018 and aware that Standing Order 25(4) provides that the Assembly may by a resolution, alter its Calendar or the adjournment date;

Madam Speaker, I wish to move the motion that the House resolves to adjourn its sittings from today, 28th February, 2018 and resume on 13th March, 2018 to allow for public participation of Machakos County Finance Bill, 2017 which is slated to take place from 6th to 9th March, 2018.

I wish to call upon Hon. Mitaa to second the motion.

Hon. Speaker: Thank you, Hon. Mulatya. Hon. Mitaa.

Hon. Mitaa: Thank you, Madam Speaker. I second the motion as put by Hon. Majority Whip. Thank you.

Hon. Speaker: Thank you, Hon. Mitaa, Hon. Members, this is a procedural motion and you need not debate on it. May I put the question that the House..... I propose? I will propose. I was going to say that you don't need to debate this, but because there is the practice, let me propose the question.

(Question proposed)

Hon. Members, can we ventilate on that proposed question. Hon. Museku

Hon. Museku: Thank you, Madam Speaker. I stand here to make my contribution on this motion, the county finance bill is a critical financial document in our county. In the current constitution, public participation is a key to the adoption of any item and therefore it is paramount that we do have this public participation on the Finance Bill at the ward levels; when I discussed earlier with some members had said this was being done at the sub-county level but in view of the fact that we now have public participation as a key item even in our own appraisals, when we will be appraised by your electorates, they will be looking at you in terms of did you facilitate them to our public participation in the major things affecting them.

Therefore, the Finance Bill, being an item which will be outlining the Financial Bill which the county is implementing and which require our electorate to be aware of, it is therefore important for us to participate in this public participation and I fully support that the House adjourns so that we can be able to mobilize our electorate and make sure they participate fully in this function. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Museku. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Madam Speaker. I am glad you have caught the eye of the chairman finance committee, Madam Speaker, Finance Bill is the money bill which involves the proposal of the county government and the structures of the levy taxes we do to our wananchi.

Madam Speaker, I want to support the adjourning of the House, bearing in mind that the Hon members have to fully participate on the terms on the structures on how the county government intends to be doing is the levies and taxes. Madam Speaker, bearing in mind this is the project by the Assembly, I wish that the Hon. Members would at least have a preview of the budget for the Finance Bill and also members we have a know-how and the clue of how the facilitation will be done. It is sad for Hon. Members just to be in darkness of not knowing how the facilitation will be done.

So, Madam Speaker, I wish the Hon members would know the budget of the finance bill facilitation. Madam Speaker, I wish and I stand to support the adjournment. Thank you.

Hon. Speaker: The mover of the motion, you want to reply before I put the question.

Hon. Mulatya: Madam Speaker, I think everything is clear.

Hon. Speaker: Hon. Members I now put the question.

(Question put and agreed to)

Hon. Members, you have just passed the motion to adjourn this House for the whole of next week, the importance of the adjournment is that you are going to be able to go back to your wards. Hon. Kiptum, please stay away from there and you are lucky because I am using the term Honourable so you are also Honourable when in this House. Serjeant Kiptum.

Hon. Members, I was that it is important that you take time to go back to your electorates and to your wards because you need to guide your people in the participation of this important exercise and the chairperson of the finance committee has said this is about raising money that is going to be used in delivery of services to the people, it is about taxation in other words and it is what the law call money laws and money laws they can only be effective if this Assembly approves them and they can only be refused or stopped if this assembly approves that stoppage.

So, you see it is an integral part of your role and mandate and we have just been discussing the issue of Miraa, khat, and Muguka and financing and making it expensive business and this is where you need to participate and even contribute more as you now talk to that person on the ground who has been chewing the Miraa or the Muguka sellers.

So, make sure that when you go for this participation you are also implementing the motion you have just passed. Keep it in mind.

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point the house is adjourned to resume on the Tuesday, 13th March, 2018 at 10.00 a.m.

The House rose at. 3.49 p.m.